

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL J. DAVIS, et al.,
on behalf of themselves and all others
similarly situated

Plaintiffs,
versus

JPMORGAN CHASE & CO., JP MORGAN
CHASE BANK and CHASE MANHATTAN
MORTGAGE CORPORATION,
Defendants.

Civil Action No.
01-CV-6492L(B)

Hon. David G. Larimer
Action Filed: 10/04/2001

MOTION TO PERMIT PARTIAL WITHDRAWAL OF OBJECTIONS

PURSUANT TO FED. R. CIV. P. 23(e)(5)

JAMES F. CLAPP, *pro hac vice*
jclapp@sdlaw.com
ZACH P. DOSTART, *pro hac vice*
zdostart@sdlaw.com
DOSTART CLAPP & COVENEY, LLP
4370 La Jolla Village Drive, Suite 970
San Diego, California 92122-1253
Telephone: 858-623-4200
Facsimile: 858-623-4299

Attorneys for Objectors

Pursuant to Fed. R. Civ. P. 23(e)(5), Objectors Cynthia Cole, Darin Takahashi and Steve McDaniel respectfully request that the Court permit them to withdraw the following objections set forth in their “Objections to Class Action Settlement,” Docket No. 217, filed June 21, 2011:

Objection 3: The *Davis* Plaintiffs Are Inadequate Class Representatives.

Objection 4: The Fact that Unawarded Attorneys’ Fees Revert to Chase Is Improper.

Objection 5: The Current Briefing Schedule Prevents Objectors From Commenting on the Motion for Final Approval and Class Counsel’s Motion for Attorneys’ Fees.

Objectors continue to assert and do not withdraw the following objections to the settlement:

Objection 1: The Release of Claims Is Overbroad.

Objection 2: The Payment to the California Class Members Per Work Month Is Inadequate.

Objection 6: The Settling Parties Have Failed to Show that the Settlement Meets the *Grinnell* Factors.

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No consideration is being paid to Objectors or their counsel in exchange for this motion. Instead, the purpose of this motion is to simplify the issues before the Court at the final fairness hearing.

Dated: July 18, 2011

By: s/ James F. Clapp

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